

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

PERDUE PREMIUM MEAT COMPANY,	)	
INC., D/B/A NIMAN RANCH,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	Case No. 6:22-cv-03009-MDH
	)	
MISSOURI PRIME BEEF PACKERS, LLC	)	
	)	
and	)	
	)	
NEXTGEN CATTLE COMPANY, LLC	)	
	)	
DEFENDANTS.	)	

**JOINT MOTION TO EXTEND DEADLINE TO HOLD RULE 26(F) CONFERENCE**

Plaintiff Perdue Premium Meat Company, Inc., d/b/a Niman Ranch (“Niman Ranch”) and Defendants Missouri Prime Beef Packers, LLC (“Missouri Prime”) and NextGen Cattle Company, LLC (“NextGen”), as evidenced by their signatures below, jointly move the Court to enter the attached Order extending the April 4, 2022 deadline to hold a Rule 26(f) conference to April 11, 2022.

In support, the parties jointly state as follows:

1. Niman Ranch filed a Petition for Injunctive Relief and Damages in the Circuit Court of Polk County, Missouri, on January 6, 2022, alleging breach of contract against Missouri Prime and tortious interference with business expectancy against NextGen in connection with Niman Ranch and Missouri Prime’s February 2, 2021 Processing Agreement for the processing of cattle owned and supplied by Niman Ranch (the “Agreement”).
2. On January 20, 2022, the Court entered an order granting Niman Ranch’s Motion for a Temporary Restraining Order and Preliminary Injunction, which prohibited Missouri Prime

from refusing to process cattle sent by Niman Ranch and required Missouri Prime to: (1) “adhere to the Agreement and process cattle supplied by Niman Ranch for a 90-day period;” and (2) “process 80 head of cattle supplied by Niman Ranch the first week and ... process 40 head of cattle per week for the remaining duration of the period.” (Dkt. 22 [the “Injunction Order”]).

3. On March 3, 2022, the Court issued a Rule 16 notice requiring the parties to hold a Rule 26(f) conference by April 4, 2022, and submit a proposed scheduling order by April 20, 2022. (Dkt. 23).

4. Since that time, the parties have reached an agreement in principle to resolve this dispute and are in the process of finalizing its terms and reducing the agreement to writing.

5. To permit the parties to finalize the terms of their agreement and minimize the need for additional litigation activity and costs, all parties jointly request that the Court extend the deadline to hold a Rule 26(f) conference one week—to April 11, 2022—with all other remaining deadlines, including the April 20, 2002 deadline to submit a scheduling order, remaining the same.

WHEREFORE, for all of the reasons set forth herein, the parties jointly request that the Court enter the attached order.

Dated: April 4, 2022

Respectfully submitted,

**NEALE & NEWMAN, L.L.P.**

**RIORDAN, FINCHER & MAYO, P.A.**

By: /s/ Bryan D. Fisher  
Bryan D. Fisher, #65904  
2144 E. Republic Road, Suite F-302  
P.O. Box 10327  
Springfield, MO 65808-0327  
Tel: (417) 882-9090  
Fax: (417) 882-2529  
[bfisher@nnlaw.com](mailto:bfisher@nnlaw.com)

By: /s/ R. Patrick Riordan  
R. Patrick Riordan, # MO - 44011  
Lauren E. Bartee, #KS-001175  
3735 SW Wanamaker Road, Suite A  
Topeka, KS 66610  
Tel: (785) 783-8323  
Fax: (785) 783-8327  
[riordan@rfm-law.com](mailto:riordan@rfm-law.com)  
[bartee@rfm-law.com](mailto:bartee@rfm-law.com)  
**ATTORNEYS FOR DEFENDANT**  
**MISSOURI PRIME BEEF PACKERS, LLC**

**VENABLE LLP**

Roger A. Colaizzi (*admitted pro hac vice*)  
600 Massachusetts Avenue, NW  
Washington, D.C. 20001  
Tel: (202) 344-8051  
[rcolaizzi@venable.com](mailto:rcolaizzi@venable.com)

Nicholas M. DePalma (*admitted pro hac vice*)  
Kevin W. Weigand (*admitted pro hac vice*)  
8010 Towers Crescent Drive, Ste 300  
Tysons Corner, VA 22182  
Tel: (703) 905-1449  
Fax: (703) 821-8949  
[nmdpalma@venable.com](mailto:nmdpalma@venable.com)  
[kwweigand@venable.com](mailto:kwweigand@venable.com)

***ATTORNEYS FOR PLAINTIFF***

**CAVANAUGH, BIGGS & LEMON, P.A.**

By: /s/ Thomas G. Lemon  
Thomas G. Lemon, #KS-1610  
James B. Biggs, #MO 046566  
3200 S.W. Huntoon  
Topeka, KS 66604  
Tel.: (785) 440-4000  
Fax: (785) 440-3900  
[tlemmon@cavlem.com](mailto:tlemmon@cavlem.com)  
[jbiggs@cavlem.com](mailto:jbiggs@cavlem.com)

***ATTORNEYS FOR DEFENDANT  
NEXTGEN CATTLE, LLC***